

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN K. WALTON,

Plaintiff,

vs.

MICHAEL MYERS, Director; WEST, Captain; BENES, Sgt; and MCNEIL, Co II,

Defendants.

8:20CV249

**MEMORANDUM
AND ORDER**

Plaintiff has filed a Motion to Appoint Counsel (Filing 15) and a Motion for Status (Filing 16). The court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel” *Id.* (quotation and citation omitted). No such benefit is apparent at this time. Thus, the request for the appointment of counsel will be denied without prejudice.

Insofar as the status of Plaintiff’s case is concerned, the court will conduct an initial review of Plaintiff’s claims in the ordinary course of business, and the case will either be closed or proceed further after such review.

IT IS ORDERED:

1. Plaintiff’s Motion to Appoint Counsel (Filing 15) is denied without prejudice.
2. Plaintiff’s Motion for Status (Filing 16) is granted.

DATED this 22nd day of February, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge